

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 08-00316-01-CR-W-NKL
)	
MATTHEW WILLIAM LANE,)	
)	
Defendant.)	

ORDER

Following an evidentiary hearing on August 25, 2009, United States Magistrate Judge John T. Maughmer issued a Report and Recommendation [Doc. # 41] recommending that this Court enter an order denying Defendant's motion to suppress evidence [Doc. # 11]. Further details regarding Defendant's motion appear in the Court's order at Doc. # 28.

The Report and Recommendation indicates that there was strong evidence at the hearing that Detective Kreissler acted in good faith in applying for and executing the warrant at issue. Defendant objects that the Court did not consider whether suppression was appropriate because the officer was dishonest or reckless; the Court has reviewed the record of the hearing, at which Defendant was present, and finds no evidence indicating dishonesty or recklessness. Defendant also objects that the Court should have considered whether the exclusionary sanction would safeguard Fourth Amendment rights through its deterrent effect; the Court finds that it would not. Detective Kriessler consulted a prosecutor as well as a judge, who had previously declined to sign search warrant applications presented by

Detective Kriessler. The judge issued the warrant and the executing officer's reliance on that warrant was reasonable. Accordingly, suppression of the evidence seized during execution of the warrant would not be appropriate.

After a *de novo* review of the record, the Court agrees with the Report and Recommendation. It is hereby ORDERED that Defendant's objections [Doc. # 44] are overruled, his Motion to Suppress [Doc. # 11] is DENIED and the Report and Recommendation [Doc. # 41] is ADOPTED.

s/ Nanette K. Laughrey
NANETTE K. LAUGHREY
United States District Judge

Dated: October 7, 2009
Jefferson City, Missouri